

mentioned amendments and drawing changes. Withdrawal of the objections is requested.

Claim 1 – 25, 29 – 34, 36 – 38, 40 – 56, 58 - 61 are pending herein. Claim 58 is a new apparatus base claim written to more particularly point out and distinctly claim Applicant's invention and to include certain subject matter from Claims 27, 28, 35, and 39, which claims are now cancelled.

Various apparatus claims have been amended to ultimately depend from new Claim 58 and to more particularly point out and distinctly claim applicant's invention.

Claim 46 is re-written as new independent Claim 59 to include all the features of Claim 46 and all claims from which Claim 46 ultimately depended.

Claims 60 and 61 are new claims ultimately dependent from Claim 58 and claim certain subject matter related to the blower and blower screening features of Applicant's invention.

Claims 26 and 57 are cancelled herein without prejudice.

The Office Action, Page 5 indicates Claims 1 – 25 are allowed and Claim 46 (now Claim 59) would be allowed if written in independent form.

Accordingly, Claims 26, 29 – 34, 36 – 38, 40 – 58, 60, 61 are the only claims to be addressed.

Claim 40 stands rejected as being unpatentable under 35 USC Sec.112, second paragraph for using the term “when” and for reciting “method” limitations. Applicant respectfully traverses this rejection for the following reasons. Claim 40 clearly pertains to a “means plus and function” feature, namely, the airflow means. Instead of simply comprising a method step, Claim 40 adds a further function detail to the function carried out by the airflow means, namely drawing ambient air into the chamber and exhausting smoke and air from the chamber. In essence, the airflow means is construed to include structure sufficient to carry out the function or functions included in claim 40. Note that one of the benefits of the present invention over the prior known systems of record is the ability to visually inspect the roasting beans while roasting power is applied and the beans are essentially at rest. This results from the advanced design and interaction among the airflow means keeping the chamber relatively free of smoke and steam with slow speed air, the transparent cover, and the heating means applying roasting power during slow speed airflow. Thus, by Claim 40 adding to the function of the airflow means comprises a further requirement on the structure or apparatus of the means that carries out the further function.

With respect to the use of the term “when”, Applicant respectfully submits this is a proper term in an apparatus claim because it establishes the operational sequence or simultaneous operation and coordination between elements of a claimed assembly. Indeed, issued Patents cited by the Examiner herein include the term “when” or “while” or “as” in claims to denote “when” one element of the claim operates with respect to the operation of another claimed element. See, for example, Examiner cited US Patent 6,051,266, Claim 9 and US Patent 5,958,494 Claims 7 and 8.

Accordingly, Applicant requests withdrawal of the rejection of Claim 40 based on 35 USC Sec. 112, second paragraph.

Claims 58 and 28 – 37 stand rejected as unpatentable under 35 USC 102 (a) as anticipated by Totsuka. Applicant respectfully submits such claims are allowable notwithstanding Totsuka. Note Totsuka fails to teach or suggest applying airflow means that supplies slow speed air that is insufficient to mix the beans while the mass of roasting beans is substantially at rest as expressly claimed in the base Claim 58. Totsuka uses only a high speed process that must keep the beans mixing and moving while they roast primarily from the hot air flow by convection. If Totsuka were

to apply slow speed air during the roasting, the systems is designed to allow the beans to roll toward and mass at the center bottom of the

plate 11 which would cause the system to malfunction.

Nor does Totsuka use the blower means for flowing high speed cooling air into the roasting chamber to cool the completely roast beans. Instead, Totsuka transfers the roasted beans to a completely different chamber and cools the beans in that chamber, not the roasting chamber, as claimed.

Nor does Totsuka provide the claim 58 control means to alternately control for slow and then high speed airflow while the heating means roasts the beans and then, after the heating means stops, high speed air flow for a rapid cool-down by the same airflow means in the same chamber. Note Totsuka moves the bean mass to a separate cooling chamber and uses a separate blower 80 unrelated to the roasting blower 40.

Totsuka also fails to teach the claimed heating means for heating the beans while they are at rest so that substantial heating by energy transfer from the surface to the first bean layer takes place by conduction. Although

Totsuka states that substantial heating results from conduction,

Applicant takes issue with Totsuka's assertion because those skilled in the art know that each bean is round with one flat side. So, because Totsuka keeps his bean mass in constant motion and mixing during

roasting, the beans would inherently bounce and leave the plate 11 surface such that sustained surface contact, required for conduction, would be seriously impaired.

Accordingly, Applicant submits Claim 58 is allowable notwithstanding Totsuka and requests that the rejection be withdrawn.

Claims 38 – 45, 47, and 48 (and possibly 46) stand rejected as being unpatentable under 35 USC 103(a) in view of Totsuka in view of Cook III (US Pat. 5,441,344). Please note, however, Cook III fails to show any cover for the pan whatsoever. The only transparent cover mentioned in Cook III is watertight cover 19, which is the cover for the digital temperature read-out display device 12 in the handle. Accordingly, Applicant respectfully requests withdrawal of the subject rejection based on Cook III. Further, none of Totsuka or Cook III teach the subject matter of Claims 45 and 46 and 48.

In addition to the above remarks, since Claim 58 is the ultimate parent claim for claims 29 – 34, 36 – 38, 40 – 51, Applicant respectfully submits those claims are allowable for the reasons stated above for Claim 58.

Claims 52 – 57 stand rejected under 35 USC Sec 102 (a) as anticipated by Totsuka. Applicant respectfully traverses such rejection

for reason that Totsuka fails to suggest or teach roasting the mass of beans while they are at rest on the surface substantially by conduction (Claim 52). As pointed out above, Totsuka by design must keep the bean mass moving and mixing and swirling by the heated airflow which airflow is the primary roasting energy for the beans. The bean mass is not at rest as called for by Claim 52. Accordingly, Applicant submits the section 102 rejection should be withdrawn for Claim 52 and Claims 53 – 56 which ultimately depend therefrom.

Entry of the above amendments and drawing corrections is requested. All amendments herein are made without prejudice, and notwithstanding any and all amendments hereof, Applicant expressly does not intend to waive or become estopped from asserting his rights to 35 USC 112, sixth paragraph and/or to all rights to the doctrine of equivalents.

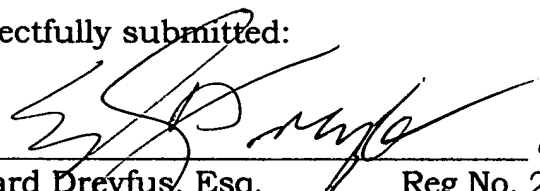
Reconsideration is also requested in view of the above remarks.

In the event prosecution of this application can be efficiently advanced by a phone conference, it is requested that the undersigned attorney of record be called at 908-233-4666.

Applicant believes that this amendment and response initiates no further government fees. However, in the event such fees are due, it is

requested that they be charged to the undersigned attorney's deposit  
account No. 04-1649.

Respectfully submitted:

 date July 20, 2004  
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